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11 EBAY INC.

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

EBAY INC.,) Case No. CV 08-04052-EJD-PSG
v.)
Plaintiff,) **JOINT STATUS REPORT**
DIGITAL POINT SOLUTIONS, INC.,)
SHAWN HOGAN, KESSLER'S FLYING) Judge: Hon. Edward J. Davila
CIRCUS, THUNDERWOOD HOLDINGS,) Dept.: Courtroom 1
INC., TODD DUNNING, DUNNING)
ENTERPRISE, INC., BRIAN DUNNING,)
BRIANDUNNING.COM, and DOES 1-20,)
Defendants.)

Pursuant to this Court's Order of December 15, 2011, the parties to the above-entitled action hereby submit the following Joint Status Report.

The Court stayed this action on August 3, 2010, pursuant to the parties' stipulation, pending the resolution of the criminal actions against Defendants Shawn Hogan and Brian Dunning. *See* ECF No. 228; *see also* *United States v. Hogan*, CR 10-00495-EJD (N.D. Cal.); *United States v. Dunning*, CR 10-00494-EJD (N.D. Cal.). On December 15, 2011, the Court administratively closed this action pending the stay, and ordered the parties to submit quarterly joint status reports regarding the status of the stay of this action. *See* ECF No. 238.

The parties report that there have been no developments which may affect the stay of this

1 action. The criminal cases against defendants Brian Dunning and Shawn Hogan remain set for
 2 trials on October 23, 2012 and January 15, 2013, respectively. *See United States v. Dunning*,
 3 ECF No. 33, CR 10-00494-EJD (N.D. Cal. Nov. 7, 2011); *United States v. Hogan*, ECF No. 47,
 4 CR 10-00495-EJD (N.D. Cal. Nov. 7, 2011).

5 Although defendant Todd Dunning filed a voluntary petition for relief under the
 6 Bankruptcy Code and commenced a chapter 7 case on April 24, 2012, the parties do not believe
 7 that this development affects the stay of this action in light of the pending criminal actions. *See*
 8 *In re Todd A. Dunning and Karine G. Dunning*, ECF No. 1, Case No. 12-31251 (Bankr. N.D. Cal.
 9 Apr. 24, 2012).

10 The parties will file their next quarterly joint status report on or before October 15, 2012.
 11

12 RESPECTFULLY SUBMITTED,

13 DATED: July 13, 2012

DAVID R. EBERHART
 SHARON M. BUNZEL
 O'MELVENY & MYERS LLP

15 By: /s/ David R. Eberhart
 16 David R. Eberhart

17 Attorneys for Plaintiff
 18 EBAY INC.

19 DATED: July 13, 2012

SEYAMACK KOURETCHIAN
 ROSS M. CAMPBELL
 COAST LAW GROUP LLP

21 By: /s/ Ross M. Campbell
 22 Ross M. Campbell

23 Attorneys for Defendants
 24 SHAWN HOGAN and DIGITAL POINT
 25 SOLUTIONS, INC.

1 DATED: July 13, 2012

LEO J. PRESIADO
RUS, MILIBAND & SMITH

3 By: /s/ Leo J. Presiado
4 Leo J. Presiado

5 Attorneys for Defendants
6 THUNDERWOOD HOLDINGS, INC., BRIAN
7 DUNNING and BRIANDUNNING.COM

7 DATED: July 13, 2012

8 PATRICK K. MCCLELLAN
9 LAW OFFICE OF PATRICK K. MCCLELLAN

10 By: /s/ Patrick K. McClellan
11 Patrick K. McClellan

12 Attorneys for Defendant
13 KESSLER's FLYING CIRCUS

12 DATED: July 13, 2012

13 TODD DUNNING

14 By: /s/ Todd Dunning
15 Todd Dunning

16 DATED: July 13, 2012

17 DUNNING ENTERPRISE, INC.

18 By: /s/ Todd Dunning
19 Todd Dunning

21 **ATTESTATION**

22 Pursuant to General Order No. 45X(B), I hereby attest that concurrence in the filing of this
23 document has been obtained from each of the above-listed signatories.

25 DATED: July 13, 2012

26 By: /s/ David R. Eberhart
27 David R. Eberhart

PROOF OF SERVICE

I, Linda M. Sarson, declare:

I am a resident of the State of California and over the age of eighteen years and not a party to the within action. My business address is Two Embarcadero Center, 28th Floor, California 94111. On July 13, 2012, I served the within documents:

JOINT STATUS REPORT

by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Francisco, California addressed as set forth below. I am readily familiar with the firm's practice of collecting and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

SEE ATTACHED SERVICE LIST

I declare under penalty of perjury under the laws of the State of California
that the foregoing is true and correct.

Executed on July 13, 2012, at San Francisco, California.

S. S. S.

LINDA M. SARSON

SERVICE LIST

eBay Inc. v. Digital Point Solutions, et al.
U.S.D.C. Case No. C08-04052 JF

Todd Dunning
842 Sovereign Way
Redwood City, CA 94065
karine@karine.com
*on behalf of Defendants Todd Dunning and
Dunning Enterprise, Inc.*